

## HUMAN SERVICES DEPARTMENT[441]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 237A.12 and 2008 Iowa Acts, chapter 1187, section 35, the Department of Human Services proposes to amend Chapter 110, "Child Development Homes," Iowa Administrative Code.

The proposed amendment would implement a new condition on registration as a child development home for an applicant who provides child care in a facility built before 1960. The amendment requires the provider to conduct a visual inspection for lead hazards as evidenced by chipping or peeling paint and to complete interim controls using safe work methods as defined by the Department of Public Health if chipping or peeling paint is found. Providers would have to meet these requirements before initial registration and before registration renewal. The amendment sets a phase-in period for compliance for child development homes that are registered at the time the rule goes into effect.

This amendment does not provide for waivers in specified situations, except that interim controls are not required if the chipping or peeling paint is certified as non-lead-based. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendment on or before June 24, 2009. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

This amendment is intended to implement Iowa Code section 237A.12 and 2008 Iowa Acts, chapter 1187, section 35.

The following amendment is proposed.

Adopt the following **new** paragraph **110.5(1)"x"**:

x. A provider operating in a facility built before 1960 shall assess and control lead hazards before being issued an initial child development home registration or a renewal of the registration. To comply with this requirement, the provider shall:

(1) Conduct a visual assessment of the facility for lead hazards that exist in the form of peeling or chipping paint;

(2) Apply interim controls on any chipping or peeling paint found, using lead-safe work methods in accordance with and as defined by department of public health rules at 641—Chapter 70, unless a certified inspector as defined in 641—Chapter 70 determines that the paint is not lead-based paint; and

(3) Submit Form 470-4755, Lead Assessment and Control, as verification of the visual assessment and completion of interim controls, if necessary.

EXCEPTION: Providers that have a valid registration on [the date that this rule is implemented] shall assess and control lead hazards by June 30, 2010.